

City Council Introduction: **Monday**, October 15, 2001  
Public Hearing: **Monday**, October 22, 2001, at **1:30 p.m.**

Bill No. 01R-274

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1932**, requested by Gokie Enterprises, Inc., for authority to sell alcoholic beverages for consumption off the premises, on property located at 6835 No. 27<sup>th</sup> Street (southwest of Wildcat Drive and No. 27<sup>th</sup> Street).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 10/03/01  
Administrative Action: 10/03/01

**STAFF RECOMMENDATION:** Conditional approval.

**RECOMMENDATION:** Conditional approval (7-0: Newman, Taylor, Steward, Carlson, Duvall, Schwinn and Hunter voting 'yes'; Krieser and Bills absent).

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-4.
2. This application was placed on the Consent Agenda of the Planning Commission on October 3, 2001, and opened for public hearing. No one came forward to speak.
3. On October 3, 2001, the Planning Commission agreed with the staff recommendation and voted 7-0 to recommend conditional approval as set forth in the staff report dated September 18, 2001.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** October 8, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** October 8, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1932

## **CITY OF LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.** Special Permit #1932

**DATE:** September 18, 2001

**PROPOSAL** A special permit to allow the sale of alcoholic beverages for consumption off the premises.

**LAND AREA:** Approximately 1.72 acres.

**CONCLUSION:** This request complies with the requirements of the Zoning Ordinance and is consistent with the Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
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### **GENERAL INFORMATION**

**LEGAL DESCRIPTION:** Lot 1, Block 3, High Pointe Addition.

**LOCATION:** 6835 N 27<sup>th</sup> Street (southwest of Wildcat Drive and N. 27<sup>th</sup> Street)

**OWNER:** Gokie Enterprises, Inc.

**APPLICANT:** Richard Gokie  
3003 Bluff Road  
Seward, NE 68434

**CONTACT:** Same

**EXISTING ZONING:** H3, Highway Commercial District

**EXISTING LAND USE:** A convenience food store/service station, a fast food restaurant and a car wash are currently under construction on this site.

### **SURROUNDING LAND USE AND ZONING:**

North	Automobile Sales	H3
South	Vacant	H3
East	Convenience Food Store/Service Station	H1
West	Vacant	H3

**HISTORY:** FP #99034 - The final plat of High Pointe North Commercial Park Addition was approved May 10, 2000.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan designates commercial land use in this area. The following goal from the Comprehensive Plan is applicable:

1. Chapter III (D)(1) pg. 54 - Goal #2 - Provide geographically convenient and accessible retail areas throughout the city and county so as to provide the widest possible variety of goods and services.

## **ANALYSIS**

### **OVERVIEW:**

This area south of the 27<sup>th</sup> Street - I-80 interchange was recently platted and annexed consistent with the Comprehensive Plan to allow for those goods and services typically found near an interstate interchange on a major transportation corridor. This site is being developed with a convenience food store and service station with an attached fast food restaurant. A car wash is also under construction at the south end of the lot. This special permit request is to allow the sale of alcoholic beverages from the convenience food store for consumption off the site.

**1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.685:** Alcoholic beverages may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, and I-1 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which are waiveable by the City Council:

**(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.**

The parking provided complies with the requirements of LMC Section 27.67.020.

**(b) The sale of alcoholic beverages for consumption off the premises shall not be permitted without issuance of a permit under Section 27.63.680 of this code.**

This application is for a special permit to allow for off-premises consumption.

**(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.**

There are no residences or residential districts within 100' of the premises.

**(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.**

All lighting will be required to comply with the Design Standards for parking lot lighting (Chapter 3.45, Section 3.8) prior to issuance of a building permit.

**(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.**

A drive-through window is not being proposed for the convenience food store.

**(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.**

No such devices are proposed with this special permit.

**(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.**

The door faces north and does not face a residential district.

**(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.**

No residential streets are used to access this site.

**(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.**

**(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:**

**(1) Revocation or cancellation of the liquor license for the specially permitted premises; or**

**(2) Repeated violations related to the operation of the permittee's business.**

**Planning Commission review and City Council approval is required for this use.**

**2. POLICE RESPONSE:** The Lincoln Police Department has no objections to this special permit request.

**CONDITIONS:**

1. This approval permits the sale of alcohol for consumption off the premises at the establishment located at 6835 N. 27th Street.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
3. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
4. Construction plans shall comply with the approved plans.

5. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will  
Planner

# **SPECIAL PERMIT NO. 1932**

## **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

#### **BEFORE PLANNING COMMISSION:**

October 3, 2001

Members present: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor; Bills and Krieser absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3341; SPECIAL PERMIT NO. 1013-I; SPECIAL PERMIT NO. 1920; SPECIAL PERMIT NO. 1922; SPECIAL PERMIT NO. 1931; SPECIAL PERMIT NO. 1932; SPECIAL PERMIT NO. 1933; SPECIAL PERMIT NO. 1934; FINAL PLAT NO. 01009, HARTLAND HOMES EAST 5<sup>TH</sup> ADDITION; FINAL PLAT NO. 01021, NORTH CREEK COMMERCIAL PARK; COMPREHENSIVE PLAN CONFORMANCE NO. 01003 and STREET AND ALLEY VACATION NO. 01015.**

**Item No. 1.3, Special Permit No. 1920; Item No. 1.7, Special Permit No. 1933; and Item No. 1.12, Street and Alley Vacation No. 01015,** were removed from the Consent Agenda and had separate public hearing.

Duvall moved to approve the remaining Consent Agenda, seconded by Carlson and carried 7-0: Carlson, Duvall, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills and Krieser absent.

Note: This is final action on Special Permit No. 1920; Special Permit No. 1922; Special Permit No. 1931; Special Permit No. 1933; Hartland Homes East 5<sup>th</sup> Addition Final Plat No. 01009; and North Creek Commercial Park Final Plat No. 01021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



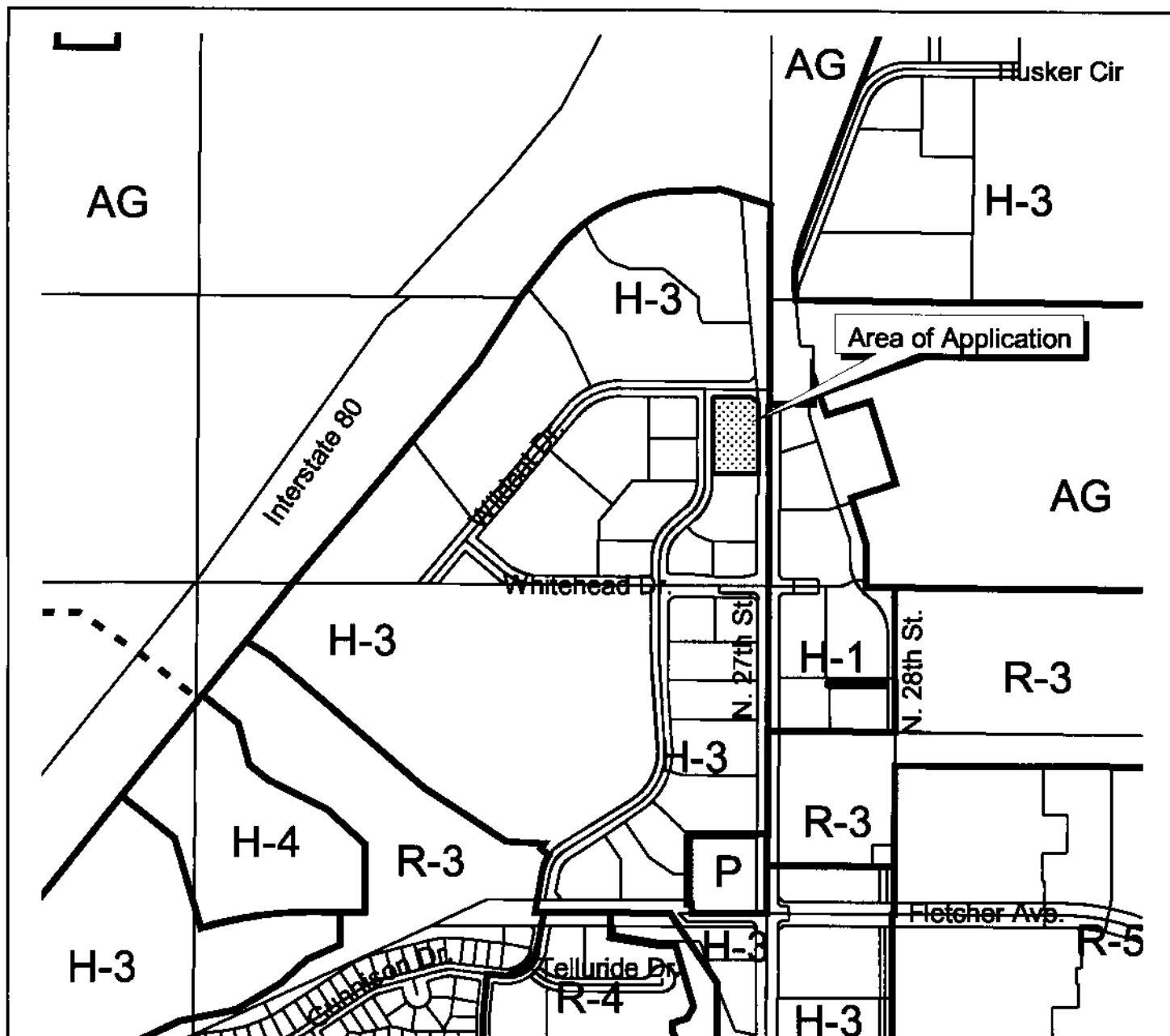
**Special Permit #1932  
No. 27th & Wildcat Dr.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

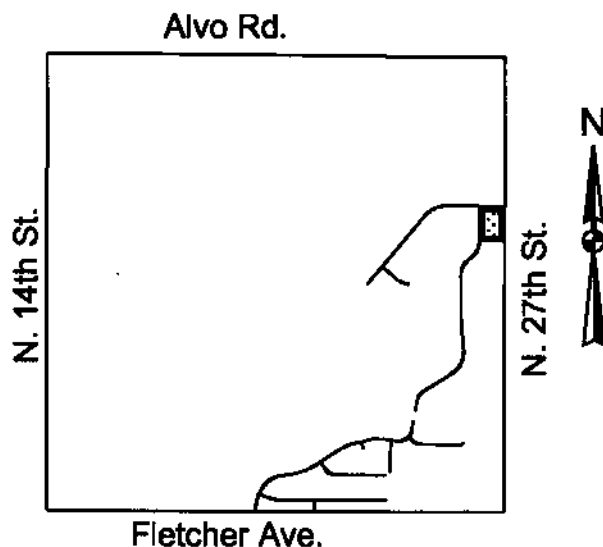
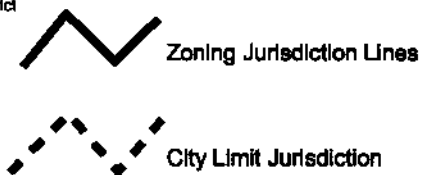


## Special Permit #1932 No. 27th & Wildcat Dr.

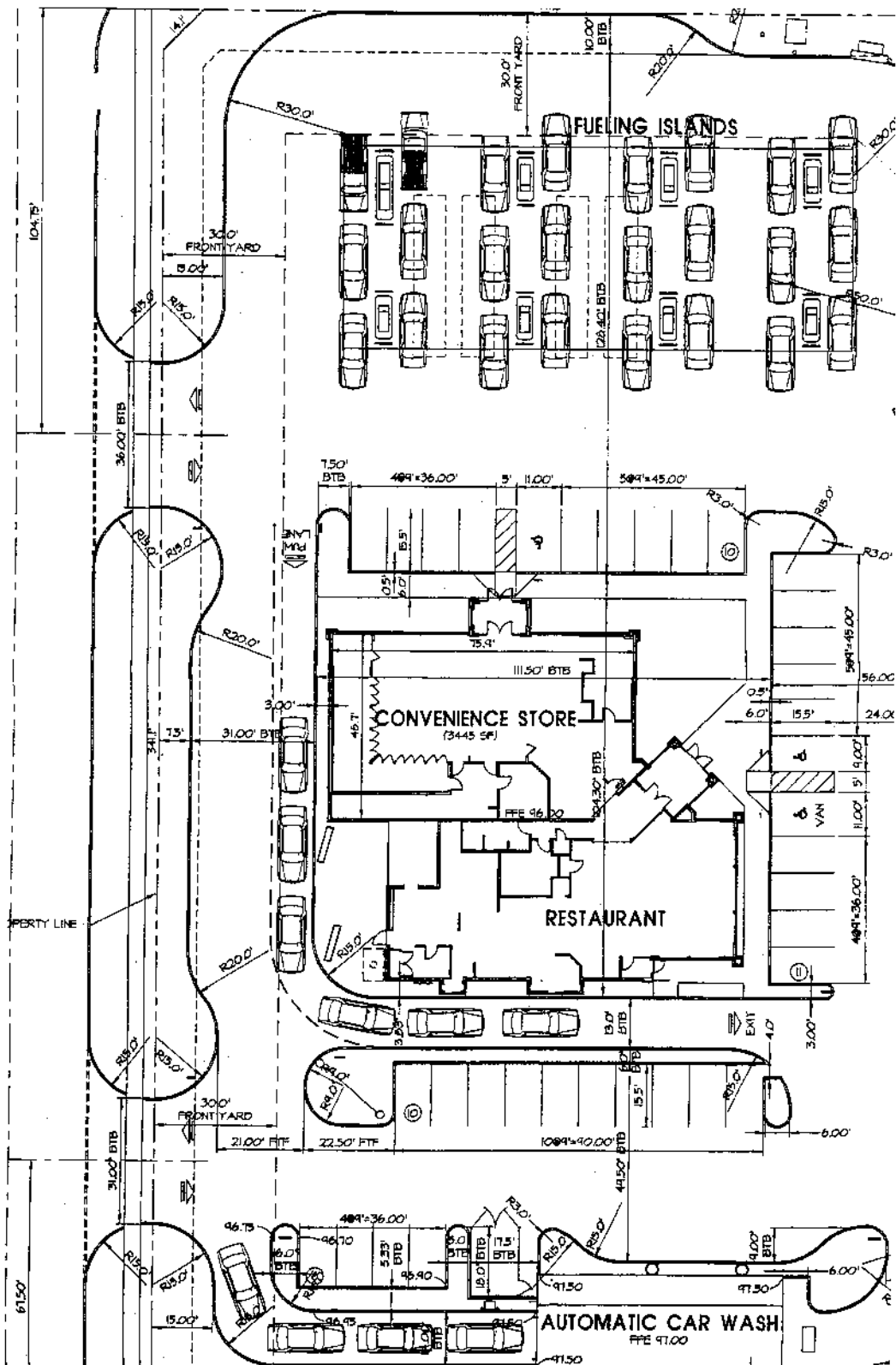
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 36 T11N R6E







**SPECIAL PERMIT #1932**  
**6835 N. 27<sup>TH</sup> STREET**

Date: 9/20/01



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